

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JUANA SIXTOS,

CASE NO.:

Plaintiff,

NOTICE OF REMOVAL

v.

BENJAMIN A. HOFER, individually,
AND S&T TRUCKING TRANSPORTATION,
LLC, a South Dakota Limited Liability Company,

Defendants.

Defendants S&T Trucking Transportation, LLC and Benjamin Hofer hereby remove this action from the District Court of Madison County, Nebraska to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. §§ 1332(a), 1441, 1446, and Fed. R. Civ. P. 81, and state as follows:

PLAINTIFF’S ALLEGATIONS AGAINST DEFENDANTS

1. On March 23, 2022, Plaintiff Juana Sixtos filed the action that Defendants are now removing in the District Court of Madison County, Nebraska, Case No. CI 22 0000119.

2. In her *Complaint*, Plaintiff brings causes of action for negligence and loss of consortium against Defendants due to a motor vehicle accident occurring on or about January 29, 2020, in Norfolk, Madison County, Nebraska, whereby Plaintiff purportedly sustained personal injuries and damages.

THIS COURT HAS DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332

3. The claims in Plaintiff’s *Complaint* satisfy the amount-in-controversy requirement under 28 U.S.C. § 1332(a) because the damages sought by Plaintiff as a result of the alleged motor vehicle accident exceed \$75,000.

4. The claims in Plaintiff’s *Complaint* satisfy the complete diversity requirement under 28 U.S.C. § 1332(a) because no Defendant is a citizen of the same state as Plaintiff; Defendant S&T Trucking Transportation, LLC is organized and has its principal place of business in South Dakota, Defendant Benjamin A. Hofer resides in South Dakota, and Plaintiff resides in Nebraska.

DEFENDANTS COMPLIANCE WITH 28 U.S.C. § 1446 AND FRCP

5. Plaintiff served Defendant S&T with the *Complaint* on March 31, 2022, by Sheriff. Defendant's counsel voluntarily accepted service on behalf of Defendant Hofer on April 21, 2022.

6. Consequently, this Notice of Removal is being filed within 30 days of service of the *Complaint* as required under 28 U.S.C. § 1446(b).

7. Attached as Exhibit A hereto is the Civil Cover Sheet filed in this action.

8. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders filed in the state court action are attached as Exhibit B to this Notice of Removal.

9. There are no pending motions in the state court that will require resolution by this Court.

10. The names of counsel that have appeared in state court for Plaintiff, with their law firm and contact information, are as follows:

Kathleen Koenig Rockey, #18393
Copple, Rockey, Schlecht, Mason & Werth, P.C., L.L.O.
2425 Taylor Avenue, P.O. Box 78
Norfolk, Nebraska 68701
Phone: 402-371-4300
Fax: 402-371-0790
Email: kkrockey@greatadvocates.com

No other counsel has appeared in the state court action.

14. Pursuant to 28 U.S.C. § 1446(d), Defendants are giving prompt, written notice of the filing of this Notice of Removal to adverse parties and are filing a copy of this Notice of Removal and attachments in state court.

WHEREFORE, for the reasons set forth herein, Defendants hereby remove this case to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

DATED: April 27, 2022.

S&T TRUCKING TRANSPORTATION, LLC and
BENJAMIN A. HOFER, Defendants.

By: /s/ Matthew D. Quandt

Matthew D. Quandt, 26731
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Attorney for Defendants.

CERTIFICATE OF SERVICE

On the 27th day of April 2022, I electronically filed the above and foregoing. I further certify that on the same day, I served a copy of the foregoing document via email:

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/s/ Matthew D. Quandt